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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,955	03/11/2004	Alec C. Wong	PCCR122034	4838

26389 7590 07/20/2004

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EXAMINER	
ENGLE, PATRICIA LYNN	

ART UNIT	PAPER NUMBER
3612	

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/797,955	WONG ET AL.	
	Examiner	Art Unit	
	Patricia L Engle	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/28/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 6, line 18, "40" should be --42--.

Appropriate correction is required.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it should not use the word "disclosed" and the reference numbers should be in parentheses. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-6, 8-23 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund et al. (US Patent 5,112,095) in view of Matsumoto et al. (US Patent 5,165,751).

Matsumoto et al. disclose an adjustable vehicular airflow control device comprising a deflector panel (50) and an actuator (Fig. 7) for linearly moving the deflector panel and rotating the deflector panel (Fig. 1)(claim 1). Regarding claim 3, Matsumoto et al. disclose that the main deflector panel rotates as it is linearly moved (Fig. 1). Regarding claims 4, 5, 6, 11, 26, 27 and 28, Matsumoto et al. disclose that the deflector (50) is moved in the fore and aft direction (Fig. 1) and the vertical direction (Fig. 1). Regarding claims 8, 9, 12, 14 and 15, Matsumoto et al. disclose a speed sensor which controls the movement of the deflector (column 5, lines 45-48). Regarding claim 10, Matsumoto et al. disclose that the deflector is moved when the vehicle has been reduced in speed (column 5, lines 45-48). Therefore, the deflector must be operable when the vehicle is in motion.

Matsumoto et al. do not disclose that the deflector is mounted on a front section of the vehicle.

Lund et al. disclose an adjustable vehicular airflow control device comprising: a deflector panel adapted to be disposed on a front section of a vehicle to selectively control airflow about the front section of the vehicle and an actuator assembly coupled to the deflector panel for rotating the deflector panel (claim 1).

Lund et al. and Matsumoto et al. are analogous art because they are from the same field of endeavor, i.e., adjustable vehicular airflow control devices.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use an adjustable vehicular air flow control device on the front portion of the vehicle.

The motivation would have been to have an airflow deflector that deflects airflow away from the windshield (abstract) and is adjustable while the vehicle is in motion.

Therefore, it would have been obvious to combine Lund et al. with Matsumoto et al. to obtain the invention as specified in claim 1, 3-6, 8-12, 14, 15 and 26-28.

Regarding claims 2 and 13, Matsumoto et al. as modified disclose that an additional deflector is rotated separately from the movement of the main deflector. It would have been obvious to one of ordinary skill in the art at the time of the invention to rotate the main panel separately from the linear movement as taught by placing an actuator on the deflector to move the additional panel. The motivation would have been to get the best aerodynamic flow at different speeds.

Regarding claims 17-23 and 25, Matsumoto et al. as modified disclose the deflector panel with a speed sensor which controls the movement of the deflector. The method of controlling the position would have been inherent to the deflector panel with the speed sensor.

7. Claims 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. in view of Lund et al. as applied to claims 1-6 and 8-23 above, and further in view of Takagi et al. (US Patent 4,810,022).

Matsumoto et al. as modified disclose an airflow control device of claims 1-6 and 8-23 .

Matsumoto et al. as modified do not disclose that the deflector is mounted to be flush with the hood.

Takagi et al. disclose an airflow control device with a deflector in which the deflector is mounted to be flush with the panel on which is mounted when not in use.

Matsumoto et al. and Takagi et al. are analogous art because they are from the same field of endeavor, i.e., airflow control devices with deflectors.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to mount the deflector flush with the panel on which it was mounted.

The motivation would have been to have a continuous flat surface when the deflector is not in use.

Therefore, it would have been obvious to combine Takagi et al. with Matsumoto et al. to obtain the invention as specified in claims 7 and 24.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other airflow control devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L Engle
Examiner
Art Unit 3612

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July 14, 2004